

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JERRY O'NEAL,

Plaintiff,

vs.

WASHOE COUNTY SOCIAL SERVICES,

Defendant.

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3:13-cv-00104-RCJ-WGC

ORDER

This case arises out of Respondent Washoe County Social Service's ("WCSS") alleged pre-hearing removal of Petitioner Jerry O'Neal's two minor children without proper notice or sufficient cause. Petitioner asked the Court to order the immediate return of his children. The Court denied the Petition because the Court cannot issue a writ of mandamus to state officials, enjoin proceedings in state court, or entertain a habeas corpus proceeding in a child custody matter until state remedies are exhausted, which is clearly not the case here. Petitioner has now asked the Court to stay a state court order pending appeal. The Court has no jurisdiction to enter a stay in a state court case. *See* 28 U.S.C. § 2283. Petitioner must seek a stay of the state court order in the state courts.

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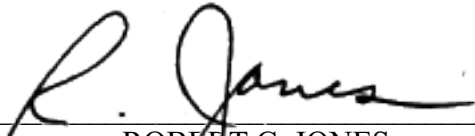
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CONCLUSION

IT IS HEREBY ORDERED that the Motion for Stay (ECF No. 7) is DENIED.

IT IS SO ORDERED.

Dated this 11th day of March, 2013.



ROBERT C. JONES
United States District Judge